IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO. 2274/1997
YUSUF ALI Vs. STATE OF RAJASTHAN & ORS.

Date: 20.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Arun Sharma for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the respondents.

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The only grievance in this writ petition is that the petitioner is discharging his duties as LDC and was given appointment on the post of Store Munshi, therefore, he is entitled to be regularised and declared semi-permanent and permanent on the post of Store Munshi.

On the contrary, the respondents have controverted this fact and stated that the petitioner was never given appointment on the post of Store Munshi and he was appointed as Helper. It is further stated that the petitioner was given semi-permanent status on the post of Helper under Rule 3(3) of Rajasthan Work Charge Service Rules, 1964 vide order dated 01.02.92 and the benefit of semi-permanent status was given w.e.f. 01.04.87. It is also submitted that since the petitioner has not worked on the post of Store Munshi,

regular pay scale of this post cannot be given to the petitioner. It is further averred that at the most the petitioner can only be given promotion to the post of Helper Grade-I, Munshi/Store Munshi under the Rajasthan Work Charge Service Rules, 1964, but in any case, since the petitioner has not been given appointment on the post of Store Munshi, is not entitled to get the benefit of regularisation on the said post. It is also disputed that the petitioner ever discharged the work of Store Munshi and LDC.

In support of his submissions the learned counsel for the petitioner placed reliance on the judgment rendered by a co-ordinate Bench of this Court in ***S.B. Civil Writ Petition No. 5839/1991- Madan Lal Sharma Vs. State of Rajasthan & Ors., dated 17.09.2002.,*** wherein this Court while allowing the writ petition directed the respondents to promote the petitioner to the post of Store Munshi.

He also referred the judgment of this Court rendered in the case of ***Durjan Singh Vs. State of Raj. & Others, reported in 1995(3) WLC(Raj.) 145,*** wherein this Court has held that the petitioner having worked as Store Munshi notwithstanding his appointment as Helper Grade II and entitled to emolument and Scale of Store Munshi.

Having considered the ratio decided by this Court in the aforementioned cases of ***Madan Lal Sharma (supra)*** and ***Durjan Singh (supra)*** and in the facts and circumstance of the case, though it is disputed that the petitioner has ever discharged the work on the post of Store Munshi/LDC and was given appointment on the post of Helper under the Work Charge Rules and has been declared semi permanent w.e.f. 01.04.87.

Even otherwise, the petitioner can only claim the wages of the post against which he has worked but has got no legal right to be regularised on the said post. Liberty is given to the petitioner to represent before the respondents for the period he has worked and discharged the duties of Store Munshi/LDC and the respondents are directed to consider the representation of the petitioner and if it is proved that the petitioner has worked on the post of Store Munshi/LDC, he is entitled for the minimum of wages of pay scale which is admissible for the said post.

With these observations, the writ petition stands disposed of.

(K.S. RATHORE),J.

/KKC/